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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DANIEL HAILE KELATI,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 04-74977

Agency No. A77-977-486

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted June 18, 2008<sup>\*\*</sup>

Before: LEAVY, HAWKINS, and W. FLETCHER, Circuit Judges.

Daniel Haile Kelati, a citizen of Eritrea, petitions for review of the Board of Immigration Appeals' order summarily affirming an immigration judge's ("IJ") decision denying his application for asylum, withholding of removal, and relief

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence, *Gui v. INS*, 280 F.3d 1217, 1225 (9th Cir. 2002), and we deny the petition for review.

The IJ’s adverse credibility determination is supported by Kelati’s internally inconsistent testimony and by numerous inconsistencies between Kelati’s testimony and the testimony of his witness which raise doubts about Kelati’s membership in the People’s Democratic Front for the Liberation of Eritrea. *See Li v. Ashcroft*, 378 F.3d 959, 962 (9th Cir. 2004).

As the record does not compel the conclusion that Kelati’s testimony was credible, he has not established eligibility for asylum, withholding of removal, or relief under CAT. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

In light of our disposition, we need not reach Kelati’s remaining contentions.

**PETITION FOR REVIEW DENIED.**